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8-8-1846

Purdy McElvaine. (To accompany bill H.R. no. 547).

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### Recommended Citation

H.R. Rep. No. 822, 29th Cong., 1st Sess. (1846)

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PURDY McELVAINE.

[To accompany bill H. R. No. 547.]

AUGUST 8, 1846.

Mr. MORRIS, from the Committee on Public Lands, made the following

REPORT :

*The Committee on Public Lands, to whom the petition of Purdy McElvaine was referred, claiming compensation for services rendered as register of the land office in Marion, Ohio, report :*

That by treaty with the Wyandot Indians, in the year 1836, provision was made for the sale of forty thousand acres of their land. The petitioner was commissioned register for the purpose of selling the said land, with a salary of five dollars per day, to be paid out of the money received for land sold.

On the 9th day of January, 1841, he was commissioned the second time, for the term of four years. The Commissioner of the General Land Office did not discontinue said office until the 31st of March, 1845, when the books and papers of said office were removed to the land office at Upper Sandusky, being 491 days from and after the time the land sales were completed, for which the petitioner has received no remuneration ; the Commissioner of the General Land Office alleging that he had no authority to pay the petitioner after the lands were sold. Thus the office was permitted to remain open for 491 days after the lands were sold, through the entire negligence of the late Commissioner : there being some duties to be performed, it was necessary that said office should be kept open during the said period.

The question now arises as to what compensation ought to be allowed said register. He has charged five dollars per day (the amount to be paid the register under the treaty alluded to) for the period of four hundred and ninety-one days, making an aggregate of \$2,455. It appears by the petitioner's own affidavit, as well as by the certificates of several gentlemen at Marion, on file, that the office was necessarily kept open for the transaction of business for the whole number of days charged. It would be wrong, in the opinion of the committee, to graduate the amount of pay to be allowed the petitioner in such a case by the amount of business actually transacted. If there was no necessity for keeping up the office for the length of time charged, the same should have been discontinued by the Commissioner of the General Land Office. The fault of the department is no fault of the petitioner, nor can he rightfully be held responsible or be deprived of his just rights through any error or neglect not his own.

The committee are not of opinion that the full amount of the petitioner's claim should be allowed him; but they are of opinion that he should be allowed a reasonable compensation, and they have accordingly reported a bill appropriating seven hundred and sixty-nine dollars, (\$769,) being an allowance of \$500 per annum, the amount allowed by law to the registers of land offices, and recommend its passage.